

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

RHC OPERATING LLC,

Plaintiff

Case Number

1:21-cv-9322

VS.

CITY OF NEW YORK, and BILL DE BLASIO, in his official capacity as Mayor of New York City, and New York City Council Members—Adrienne E. Adams, Alicka Ampry-Samuel, Diana Ayala, Justin L. Brannan, Selvena N. Brooks-Powers, Fernando Cabrera, Margaret S. Chin, Robert E. Cornegy, Jr., Laurie A. Cumbo, Ruben Diaz, Sr., Darna V. Diaz, Eric Dinowitz, Daniel Dromm, Mathieu Eugene, Oswald Feliz, James F. Gennaro, Vanessa L. Gibson, Mark Gjonaj, Barry S. Grodenchik, Robert F. Holden, Corey D. Johnson, Ben Kallos, Peter A. Koo, Karen Koslowitz, Brad S. Lander, Stephen T. Levin, Alan N. Maisel, Carlos Menchaca, Francisco P. Moya, Keith Powers, Kevin C. Riley, Carlina Rivera, Ydanis A. Rodriguez, Deborah L. Rose, Helen K. Rosenthal, Rafael Salamanca, Jr., Mark Treyger, Eric A. Ulrich, Paul A. Vallone, and James G. Van Bramer

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

HOTEL ASSOCIATION OF NEW YORK
CITY, on behalf of itself and its members,

Plaintiff

Case Number

1:21-cv-08321

vs.

CITY OF NEW YORK, and JOHN DOES
1-10

Defendant

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

On October 8, 2021, Plaintiff Hotel Association of New York City ("HANYC") filed its Complaint on ECF (ECF 1). On October 25, 2021, Defendant, City of New York, moved for an extension of time to file an answer (ECF 9). On November 1, 2021, the Honorable J. Paul Oetken granted Defendant's motion for extension of time to file an answer (ECF 10). Defendant is anticipated to answer Plaintiff's Complaint on December 2, 2021 (ECF 9).

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both cases arise from the New York City Ordinance, Local Law, Int. No. 2397-A ("Severance Law"), which creates a mandatory post-employment, employer funded benefit plan for union and non-union hotel employees at the municipal level. The City of New York is a Defendant in both cases. In both cases, the Plaintiffs are challenging the constitutionality of the Severance Law under some of the same claims and legal theories including that the Severance Law is preempted by the federal Employee Retirement Income Security Act of 1974 ("ERISA") and the federal National Labor Relations Act ("NLRA"). Accordingly, the cases present some of the same questions of the law and fact.

Signature: /s/ Michael J. Volpe

Date: 11/10/2021

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